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CONCORD, N.H.

Mr. Frederick H. Clarke
Commissioner of Motor Vehicles
State House Annex
Concord, New Hampshire

Dear Mr. Clarke:

Pursuant to joint inquiry of yourself, Commissioner of Education Hilton C. Bulcy and Transportation Director Winslow E. Melvin of the Public Utilities Commission staff, I advise as follows concerning standards on school buses, inspection, and the required special protective equipment on school buses.

As to inspection: The Commissioner of Motor Vehicles and Public Utilities Commission in certain instances have separate authority to determine fitness of any bus for the purpose and such authority may be exercised by each department of the state independently of the other. Approval of both departments where applicable is a necessary prerequisite before any such vehicle is used solely for transporting ten or more school children to any public school. The phrase "to any public school" in the light of present-day concepts of education includes transporting athletic teams to their contests, transporting students on field class trips, transporting musical organizations of schools to places where they play or perform as a school unit, but does not include the transportation of rooters and spectators who may incidentally hire a bus to go along to see an athletic contest or concert.

As to special protective equipment such as signs and flashing lights, all buses exclusively transporting more than ten school children to school are required to have such equipment without exception. (R.L. c. 119 ss. 12 and 13).

As to Standards: Rules and Regulations covering Common and Contract Carriers of Passengers promulgated by the State of New Hampshire Public Utilities Commission have hitherto presented an administrative problem in the case of common and contract

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Mr. Frederick H. Clarke, Commissioner

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carriers on regular runs who carry mixed loads of adults and school children. Notwithstanding the provisions of Rule 10 thereof relative to "grab handles", such carrier who is unable to seat all school children in normal traffic must provide sufficient seats so school children regularly carried can ride seated. The regular load of school children is not to be regarded as "unexpected congestion of traffic". The rule of the Motor Vehicle Commissioner that every school child must have a seat must be strictly observed and only a bona fide unexpected congestion shall temporarily alter this situation during the limited period of such unexpected congestion.

I address this letter to you merely for convenience. Commissioner Euley and Mr. Melvin are receiving copies hereof and the provisions hereof are applicable in regard to their inquiries. The record of past cooperation between your three departments and your united cooperative approach to this problem is a good illustration of how harmoniously state departments can work together on mutual problems.

Very truly yours,

George F. Nelson
Assistant Attorney General

GFL:WP

CC: Commissioner Hilton C. Euley

Mr. Winslow Melvin